

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**BROOKE N. MANN,**

**Plaintiff,**

**v.**

**Civil Action 2:22-cv-2553**

**Judge James L. Graham**

**Magistrate Judge Elizabeth P. Deavers**

**LNKBOX GROUP, INC., *et al.*,**

**Defendants.**

**ORDER**

This matter is before the Court for consideration of the Refiled Joint Stipulation to Correct the Proper Party Name of Improperly Pled Defendant Laura and Steve Trickle *dba* Trickle Productions. (ECF No. 178.) The parties seek to “substitute” Tickle Productions, LLC *dba* Trickle Productions for Defendant Laura and Steve Trickle *dba* Trickle Productions. (*Id.*) The parties do not cite any rule or case law in support. The Joint Stipulation is procedurally ineffective; however, based on the history of this case, the Court will consider the parties’ Joint Stipulation as a request to correct a misnomer.

“Correcting a misnomer has long been regarded as a legitimate function of Federal Rules of Civil Procedure 4(h) and 15(c) and such amendments are uniformly held to relate back to the time of the original filing or service of process.” *Triangle Distrib., Inc. v. Shafer, Inc.*, 943 F.2d 52 (6th Cir. 1991) (citing 3 Moore’s Federal Practice 15.15[4.–1] at 15–213 and n. 9 (2d ed. 1980)). Courts should consider whether it is objectively reasonable to conclude “that the plaintiff had in mind a particular entity or person, merely made a mistake as to the name, and actually served the entity or person intended; or whether plaintiff actually meant to serve and sue a different person.” *Id.* at 52.

Here, it appears that from the initiation of the case, Trickle Productions, LLC *dba* Trickle Productions is the correct name of the legal entity Plaintiff intended to sue. In addition, the parties agree that Trickle Productions, LLC *dba* Trickle Productions is the correct legal entity. (ECF 160.) Accordingly, the Court construes the Joint Stipulation as a Joint Motion to Amend the Pleadings. The Joint Motion (ECF No. 178) is **GRANTED**.<sup>1</sup> The Court holds that Trickle Productions, LLC *dba* Trickle Productions is the proper party for all claims or crossclaims asserted by all parties. The Clerk is **DIRECTED** to amend the docket in accordance with this Order.

**IT IS SO ORDERED.**

**Date: January 16, 2025**

*/s/ Elizabeth A. Preston Deavers*  
**ELIZABETH A. PRESTON DEAVERS**  
**UNITED STATES MAGISTRATE JUDGE**

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<sup>1</sup> The parties also stipulate to the dismissal with prejudice any claims or crossclaims against Laura Trickle, individually, and Steve Trickle, individually. (ECF No. 160.) To the extent that Plaintiff asserted claims against Laura Trickle or Steve Trickle in their individual capacities, the Court construes the stipulated dismissal as a Motion to Sever pursuant to Federal Rule of Civil Procedure 21 and **GRANTS** the Motion.